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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Stuart M. Davis, et. al.)
Serial No.: 10/803,438) Group Art Unit: 1745
Exr. John S. Maples
Filed: March 18, 2004) Confirmation No. 5406
For: WAFER ALKALINE CELL)

Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

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I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria Virginia 22313-1450 on Oct. 12, 2007.

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RESPONSE TO RESTRICTION

This communication is in response to the Official Action dated Oct. 9, 2007 involving election/restriction. The Examiner has reconsidered Applicant's response to election/restriction entered July 16, 2007 and issued the present Action involving Restriction.

In the Official Action of Oct. 9, 2007, the Examiner has required restriction to one of the inventions as defined by Group I (claims 1-26); Group II (claims 27-59); and Group III (claims 60-77). Applicant provisional elects Group II (claims 27-59) with traverse in that at least Group II and Group III claims are sufficiently related that they should not be

considered distinct. The Group II and III claims both include claims directed to separate anode and cathode frames, albeit the Group III claims have additional claims to different types of adhesives. It would be most efficient to prosecute this application in its entirety in that any restriction in this case, at least with respect Group II and Group III claims, would cause duplicity of effort by the Patent and Trademark Office as well as Applicant's Counsel, if the Group II and Group III claims are not examined in the same application. Applicant reserves the right to file a Divisional Application for the non-elected species.

The restriction requirement is believed traversed and withdrawal of the restriction respectfully requested. However, that notwithstanding, Applicant has elected Group II (claims 27-59). Further prosecution of the Application is requested.

Authorization is hereby given to debit Deposit Account 502271 for any amount owing or credit the same account for any overcharges in connection with this communication.

Date: Oct. 12, 2007 .

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Respectfully submitted,



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